

REMARKS/ARGUMENTS

Description of amendments

Claims 10-18 are now pending and under examination. Applicant has amended claim 10. No new matter has been added.

The amendment to claim 10 is supported by the application as originally filed (see, for example, page 5, lines 19 and 20 of the English translation of the specification; and Figure 1).

Rejection under 35 U.S.C. §102

Claims 10-16 were rejected under 35 U.S.C. §102(b) as being anticipated by Monti (U.S. Patent 4,440,157). For the following reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection.

In the Office Action, the Examiner stated that Figure 3 of Monti discloses a supporting profile (see page 2, line 5 from the bottom, of the Office Action). However, the Examiner contended subsequently that this supporting profile (14A) includes a component (marked by the Examiner as "Top 52") which, according to Monti, does not belong to this supporting profile (14A). As described in Monti and shown in Figure 3 of Monti, this component (Top 52) belongs to a different supporting profile (14B). Therefore, the Examiner contention clearly contradicts the teachings of Monti.

Additionally, the adapter piece of claim 10 has a receiving chamber for a turnbuckle. In the embodiment shown in Figures 1-4, for example, the receiving chamber 23 has a rectangular configuration for receiving the turnbuckle 9 shown in Figure 1 of DE-U 298 21 204. The plug portion 48 (i.e. the alleged adapter piece) of Monti does not have a receiving chamber for a turnbuckle. The plug portion 48 apparently has only a threaded bore 66 for receiving a T-bolt 82. The face portion 52 of Monti has a triangular recess 58 also for receiving a T-bolt 82.

Application No. 10/030,818
Reply dated January 30, 2004
Response to Office Action dated November 3, 2003

However, neither the threaded bore 66 nor the recess 58 can be used to receive a turnbuckle, such as the turnbuckle 9 shown in Figure 1 of DE-U 298 21 204. Therefore, Monti does not disclose a adapter piece with a receiving chamber for a turnbuckle.

Further, claim 10, as amended, recites that the disk-shaped end piece is mounted on a face of the hollow body. The element (Top 52) of Monti, which was considered by the Examiner as the disk-shaped end piece of claim 10, is clearly not mounted a face of the elongate support member (14A), which was considered by the Examiner as the hollow body of claim 10.

Therefore, for any of the above-discussed reasons, claim 10, as amended, is not taught or suggested by Monti. Consequently, claims 11-16, which depend from claim 10, are also not taught or suggested by Monti.

Rejection under 35 U.S.C. §103(a)

Claims 17 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Monti in view of Summers (U.S. Patent 2,538,483).

The validity of this rejection depends on the validity of the rejection under 35 U.S.C. §102(b). Because the rejection under 35 U.S.C. §102(b) is invalid, this rejection is also invalid.

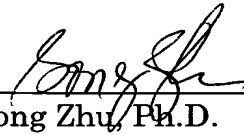
In light of the foregoing remarks, this application is considered to be in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

Application No. 10/030,818
Reply dated January 30, 2004
Response to Office Action dated November 3, 2003

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (CAM#: 056215.50809US).

Respectfully submitted,

January 30, 2004



Song Zhu, Ph.D.
Registration No. 44,420
Donald D. Evenson
Registration No. 26,160

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
DDE:SZ:tlm (056215.50809US; 300922)